

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
April 15, 2013  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Teresa R. Macaluso  
Mayor Graham

**Absent:** Council Member Jeffrey M. Smith

**Also Present:** Sharon Addison, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Beth Morris, Gene Hayes, Brian Phelps, Amy Pastuf, Erin Gardner, Mike Sligar, Deputy Chief Russ Randall, Justin Wood

The City Manager presented the following reports to Council:

- Resolution No. 1 - Reappointment to the Transportation Commission – Roberta Hagerty
- Resolution No. 2 - Reappointment to the Transportation Commission – Suzanne Morrow
- Resolution No. 3 - Reappointment to the Transportation Commission – Mary Newman
- Resolution No. 4 - Approving Amendment No. 2 to the Agreement for Professional Services with Lu Engineers Related to the Environmental Remediation of the Former Ogilvie Site
- Resolution No. 5 - Transfer of Real Property
- Ordinance No. 1 - Amending City Municipal Code § A320-9
- Laid Over Under the Rules - Ordinance Amending the Code of the City of Watertown, §310-34, Accessory Uses in Residence Districts
- Request to Amend Stream Parking Lot Lease
- Fort Drum Economic Impact Statement for Fiscal Year 2012

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence. Mayor Graham asked that everyone keep in their minds the people of Boston who have endured considerable tragedy on this day.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of April 1, 2013 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

**COMMUNICATIONS**

A letter was received from S. G. Gates, 157 Dorsey Street in regards to the proposed dog park and the adopted ordinance concerning dogs.

**Above communication was placed on file in the office of the City Clerk.**

A Notice of Petition for an assessment review was received from Erie Boulevard Hydropower, L.P.

A Notice of Claim was received from Brenda Harwood and CSEA Local 1000.

A Summons was received from HSBC Bank USA, N.A.

**Above claims have been referred to the Board of Audit.**

## **PRIVILEGE OF THE FLOOR**

**Gregory Knapp**, 4280 Branche Road, Cape Vincent, addressed the chair representing the Black River Valley Horse Association (BRVHA) expressing concerns about the potential addition to the YMCA for indoor tennis courts. He read from a prepared statement on file at the City Clerk's Office. He pointed out that his organization holds six shows a year along with an additional three shows held by the 4-H and one show held by the Jefferson County Fair. He stressed that horseback riding is no less of a sport than soccer, baseball, football or tennis and that the BRVHA has had a good working relationship with the City since 1989. He mentioned that the biggest impact would be the loss of parking and discussed the possible financial impact to the community if the BRVHA was to no longer be there.

**Trudy Ryan**, 116½ Casey Street addressed the chair reading from a prepared statement on file in the City Clerk's Office regarding the problems and issues her family has with the Audio Arsenal installation shop. She gave a brief history of the situation as well as discussed in detailed the three issues of Noise, Health and Erosion that has affected her family. She requested that Council require Audio Arsenal do a long term environmental impact study and request a possible special use permit as well as order an immediate cease and desist on the business until all matters were resolved.

**S.G. Gates**, 157 Dorsey Street addressed Council stating that he has responses from the last Council meeting but after speaking with the City Manager, he will put those off until the next meeting. He indicated that he gave Council a copy of the Dog Park Plan again to address the architectural plan as well as the maintenance costs.

## **RESOLUTIONS**

### **Resolution No. 1 - Reappointment to the Transportation Commission – Roberta Hagerty**

#### **Introduced by Council Member Roxanne M. Burns**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2016:

Roberta Hagerty  
142 Francis Street

Watertown, New York 13601

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 2 - Reappointment to the Transportation Commission – Suzanne Morrow**

**Introduced by Council Member Teresa R. Macaluso**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2016:

Suzanne Morrow  
142 Mechanic Street, Apt. 102  
Watertown, New York 13601

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 3 - Reappointment to the Transportation Commission – Mary Newman**

**Introduced by Council Member Joseph M. Butler, Jr.**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2016:

Mary Newman  
114 California Avenue  
Watertown, New York 13601

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 4 - Approving Amendment No. 2 to the Agreement for Professional Services with Lu Engineers Related to the Environmental Remediation of the Former Ogilvie Site**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS the City Council approved an Agreement with Lu Engineers for Professional Services related to the remediation of environmental contamination at the former Ogilvie Foods property on December 19, 2011, and amended that contract on January 22, 2013, and

WHEREAS services beyond the original Scope of Work are necessary in order to comply with the requirements of the Environmental Protection Agency stated in the November 2011 U.S. EPA Region 2 Brownfields Planning Document for Site-Specific Quality Assurance Project Plans, and

WHEREAS the Lu Engineers proposes to provide these additional services as outlined in the attached Proposal for Engineering Services for a fee not to exceed \$3,700.00, and

WHEREAS Amendment No. 2 to the agreement between the City and Lu Engineers has been drafted, a copy of which is attached and made part of this resolution, to increase Lu Engineers' fee by said amount, to a total not to exceed \$124,015.00,

NOW THEREFORE BE IT RESOLVED that the City Council approves Amendment No. 2 to the Agreement for Professional Services with Lu Engineers, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to execute said Amendment on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

### **Resolution No. 5 - Transfer of Real Property**

**Introduced by Council Member Joseph M. Butler, Jr.**

WHEREAS, on August 20, 2012, the Watertown City Council agreed to sell an approximate 49.5 feet by 77.3 feet parcel located at the rear of 306 Factory Street, to TS Vendors, Inc. for the amount of \$1,500.00, conditioned upon the following:

1. That upon conveyance the buyer re-describe its entire property, including the property on Factory Street, as one parcel;
2. That City staff prepare descriptions of the sewer and water main easements, which descriptions to include the right to replace, repair and maintain the utilities within the easements and to restrict the construction of any structures over the easement areas; and
3. That City Staff prepare language concerning the ability to remove parked vehicles in the event of an emergency.

WHEREAS, City staff proceeded to ensure that all of the above conditions were met, culminating in the signing of a Quit Claim Deed to TS Vendors, Inc. on March 20, 2013; and

WHEREAS, the work was done, but no formal resolution of the City Council was adopted;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the acts of the City staff and Mayor Jeffery E. Graham in providing a Quit Claim Deed to TS Vendors, Inc. on March 20, 2013, all as previously informally approved by the City Council on August 20, 2012, are hereby ratified.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

## **ORDINANCES**

### **Ordinance No. 1 - Amending City Municipal Code § A320-9**

**Introduced by Council Member Roxanne M. Burns**

BE IT ORDAINED that Section A320-9, Municipal Fairgrounds Facility Fees of the City Code of the City of Watertown is hereby amended for only the below-referenced paragraph to read as follows:

§ A320-9. Schedule of fees.

Municipal fairgrounds facility fees shall be as follows:

- N. Food Concessions: Event promoters of concerts or performances shall be charged a fee of \$250, per vendor, per day for the right to allow concessions at their event. All other user groups shall be charged \$50 per vendor, per day for the right to allow concessions at their event.

And,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is printed as directed by the City Manager.

**Seconded by Council Member Teresa R. Macaluso**

**Motion for unanimous consent moved by Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr.**

**Laid over under the rules because unanimous consent could not be obtained due to Council Member Jeffrey M. Smith's absence.**

**The Ordinance "Amending the Code of the City of Watertown, §310-34, Accessory Uses in Residence Districts".** *(Introduced on 4/1/2013; laid over under the rules; appears in its entirety in the 2013 Minutes Book on page 5 of the 4/1/2013 minutes).*

**Motion was made by Council Member Roxanne M. Burns to table the foregoing ordinance. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

## **STAFF REPORTS**

### **Request to Amend Stream Parking Lot Lease**

Mayor Graham mentioned that the two issues with this is that it would tie up the entire Liberty Lot which affects businesses that operate in this location and that this came to the City after the fact without proper notification. He said that he is pleased that Stream is recommitting themselves to downtown but it would be nice if these things came up in a manner that allowed staff time to negotiate the contract.

Ms. Addison said that the option should have been exercised in November prior to the lease expiring and it should have been brought to the table by the Watertown Industrial Center Local Development Corporation (WICLDC) instead of the JCIDA. In addition, she said a factor to keep in mind is the funds required to maintain the parking lots for snow removal and resurfacing and she would like to see this amount included in the new lease agreement. She asked for guidelines from Council for the negotiation process.

Mayor Graham stated that he was concerned with the Liberty Lot because businesses are currently using it and it should be used as it was originally intended for as a municipal lot.

Ms. Addison told Council that the IDA requested that the lease be renewed in perpetuity and she would not recommend this because the City should be in a position to reevaluate the parking and maintenance fees periodically.

Attorney Slye pointed out that General City Law limits the City to 50 years.

Council Member Burns asked for clarification that Ms. Addison felt that this should have been negotiated by WICLDC.

Ms. Addison agreed.

### **Fort Drum Economic Impact Statement for Fiscal Year 2012**

This report was available for Council to review.

### **Sales Tax Revenue Report – March 2013**

A report was available for Council to review and Mayor Graham said that it continues to fluctuate throughout the year.

## **NEW BUSINESS**

### **Indoor Tennis and Engineering Department's Drawings for Proposed Expansion of YMCA**

Mayor Graham commented that last Monday was the first time Council was approached as a group on this issue and it was actually a citizen's group advocating tennis. He said that this would need to be a request from the YMCA to put an expansion onto the back of their building which would bring a level of conflict with the horse arena. In regards to moving a transformer to make this happen, he noted that there is a cost and is not sure if the City staff could do this work. Mayor Graham asked how the YMCA felt about the two proposals.

Erin Gardner, Superintendent of Parks and Recreation stated that she spoke with Mr. Schmidt about a month ago and he indicated that the expansion of 140 feet was more conducive than the expansion of 80 feet.

Mayor Graham noted that there are several issues and Council would need to grant permission for the expansion which would require legislation from Albany. He added that this would have an affect on the horse arena and the other priorities for this property because there is a finite amount of space at the Fairgrounds. He commented that the best solution is that a compromise be reached where everyone is accommodated but noted that the BRVHA has maintained a good family activity there since 1989.

Ms. Addison acknowledged that this requires an act from the State because it is further alienation of parkland.

Council Member Butler reminded Council that this has been simply exploratory at this point and certainly not meant to alienate the BRVHA. He hopes the two groups could coexist at this location and

would like to find out if this is possible. He remarked that the best way to proceed is with good communication by everyone involved.

Mayor Graham pointed out that there has not been an actual request by the YMCA to expand the footprint of the building.

#### **Ryan Family and Audio Arsenal**

Mayor Graham commented that this is vexing to him and he has talked to several people including the police. He has been told that the situation is not that bad and he has also been told that some of the customers of this business systematically conspire to annoy this family. He questioned if this is just a neighbor dispute and if there is anyway to revoke the business' ability to operate.

Council Member Burns asked if the Police Chief has given his opinion regarding a potential resolution to this. She said that Council's responsibility is to both the residents and the businesses so that they are able to coexist under the law.

In response to Mayor Graham's inquiry, Attorney Slye reviewed the history of the Noise Ordinance and the court proceeding surrounding this. He asked that he be given time to put a memo together regarding this and present it to Council. He compared this to the salt pile situation and asked if this is a public nuisance or private one. In regards to the litter, Attorney Slye commented that it is a Code issue and should be addressed by that department.

Council Member Burns remarked that she would like to hear the Police Chief's comments but would also like to get a memo from Mr. Slye addressing the legal issues.

#### **Dog Park**

Council Member Burns said that she appreciates Mr. Gates' tenacity but it would behoove him to provide Council with the details regarding the individual offering to put financial resources towards this effort. She explained that Council will need more specifics before it can take this to the next level.

#### **Governor Roswell Flower Monument**

Council Member Butler asked who is responsible for maintaining this monument and mentioned that the base of one of the bollards across from the YMCA is damaged.

#### **Israel's 65<sup>th</sup> Birthday**

Mayor Graham announced that Israel's Flag will be raised at City Hall on April 16<sup>th</sup> at 9:00 a.m. in celebration of its 65<sup>th</sup> birthday.

#### **Regional Council Meeting**

Mayor Graham reported that he reaffirmed the City's desire to have help with the Woolworth Building to the Lt. Governor.

#### **JCC Meeting**

Mayor Graham stated that they discussed the possibility of a multiuse facility.

#### **Mercy Building**

Mayor Graham commented that the best news of the week was the announcement that CORR Development was acquiring the Mercy complex. He stated that this is very promising for Watertown and it puts this property in the hands of responsible people. The response that he has received is that the building cannot be saved and needs to be torn down because of potential liability and that it would have been a site for vandals. He stressed that the City needs to be at the forefront and needs to do everything possible to facilitate and expedite their efforts.

Council Member Butler agreed saying that this could be a transformational project and a fresh start for downtown. He said that it is a very exciting time for the City and looks forward to working with this project.

Mayor Graham remarked that he hopes to have meetings down the road periodically for status updates.

## **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 7:49 p.m. by motion of Council Member Roxanne M. Burns seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk